

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

IN RE: FTX CRYPTOCURRENCY
EXCHANGE COLLAPSE LITIGATION

Case No. 1:23-md-03076-KMM

MDL No. 3076

This Document Relates To:

Garrison v. Bankman-Fried,
No. 22-cv-23753-KMM

Garrison v. Ohtani,
No. 23-cv-23064-KMM

Garrison v. Golden State Warriors, LLC,
No. 1:23-cv-23084-KMM

Norris v. Brady,
No. 23-cv-20439-KMM

**SPORTS AND ENTERTAINER DEFENDANTS’ RESPONSE TO PLAINTIFFS’
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs’ reliance on *Bhatia v. Silvergate Bank*, 2024 WL 1199679 (S.D. Cal. Mar. 20, 2024) (ECF 559), as supplemental authority is misplaced.

In *Silvergate*, the court allowed a lawsuit against FTX’s bank to proceed because there were detailed, specific allegations the bank *knew* about, *actively* participated in, and *staked its business* on FTX’s illegal activities. Those plaintiffs alleged Silvergate (i) had access to *transaction-level data* revealing FTX’s fraud; (ii) identified suspicious FTX transactions totaling billions of dollars; and (iii) discovered “red flags” based on *legally-required* diligence pursuant to the Bank Secrecy Act and other banking regulations. *Id.* at *25–*30. Moreover, plaintiffs alleged

Silvergate had a strong motive to ignore FTX's fraud because its entire business depended on cryptocurrency companies, and FTX accounts comprised 10% of its deposit base, leading Silvergate to collapse when FTX did. *Id.* at *2, *5–*9, *30, *35.

There are no remotely comparable allegations against the S&E Defendants. Plaintiffs plead no facts that the S&E Defendants actually knew about FTX's fraud or substantially assisted it. ECF 271. And, unlike Silvergate, the S&E Defendants are individuals and businesses that did not depend on FTX's success and had no reason to turn a blind eye.

Date: April 2, 2024

Respectfully submitted,

COLSON, HICKS, EIDSON, P.A.

255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134
(305) 476-7400

By: /s/ Roberto Martínez

Roberto Martínez
Florida Bar No. 305596
bob@colson.com
Stephanie A. Casey
Florida Bar No. 97483
scasey@colson.com
Zachary Lipshultz
Florida Bar No. 123594
zach@colson.com

Attorneys for Defendants Thomas Brady, Gisele Bündchen, Lawrence Gene David, Shaquille O'Neal, Golden State Warriors, LLC, and Naomi Osaka

LATHAM & WATKINS LLP

Andrew B. Clubok (*pro hac vice*)
andrew.clubok@lw.com
Susan E. Engel (*pro hac vice*)
susan.engel@lw.com
Brittany M.J. Record (*pro hac vice*)
brittany.record@lw.com
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200
Fax: +1.202.637.2201

LATHAM & WATKINS LLP

Marvin S. Putnam (*pro hac vice*)
marvin.putnam@lw.com
Jessica Stebbins Bina (*pro hac vice*)
jessica.stebbinsbina@lw.com
10250 Constellation Blvd., Suite 1100
Los Angeles, California 90067
Tel: +1.424.653.5500
Fax: +1.424.653.5501

LATHAM & WATKINS LLP

Michele D. Johnson (*pro hac vice*)
michele.johnson@lw.com
650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235
Fax: +1.714.755.8290

*Attorneys for Defendants Thomas Brady, Gisele
Bündchen, Lawrence Gene David, and
Shaquille O'Neal*

GIBSON, DUNN & CRUTCHER LLP

Matthew S. Kahn (*pro hac vice*)
MKahn@gibsondunn.com
Michael J. Kahn (*pro hac vice*)
MJKahn@gibsondunn.com
One Embarcadero Center, Suite 2600
San Francisco, CA 94111-3715
Phone: 415.393.8200

Michael Dore (*pro hac vice*)
MDore@gibsondunn.com
Jamila MacEbong (*pro hac vice*)
JMacEbong@gibsondunn.com
333 South Grand Avenue
Suite 4600
Los Angeles, CA 90071-3197
Phone: 213.229.7155

*Attorneys for Defendants Golden State Warriors,
LLC and Naomi Osaka*

AKERMAN LLP

350 East Las Olas Boulevard – Suite 1600
Ft. Lauderdale, FL 33301
Tel.: 954-463-2700
Fax: 954-468-2454

By: /s/ Christopher S. Carver
Christopher S. Carver, Esq.
Florida Bar No. 993580
christopher.carver@akerman.com

Jason S. Oletsky, Esq.
Florida Bar No. 9301
jason.oletsky@akerman.com
Katherine A Johnson, Esq.
Florida Bar No. 1040357
katie.johnson@akerman.com

*Attorneys for Defendants Udonis Haslem and
David Ortiz*

WEIL, GOTSHAL & MANGES LLP

By: /s/ Pravin A. Patel
Pravin R. Patel (FBN 0099939)
pravin.patel@weil.com
Alli Katzen (FBN 1024803)
alli.katzen@weil.com 1395 Brickell Avenue,
Suite 1200
Miami, FL 33131-3368
Tel.: (305)-577-3100

WEIL, GOTSHAL & MANGES LLP

By: /s/ Zachary A. Schreiber

Zachary A. Schreiber
zach.schreiber@weil.com
767 Fifth Avenue
New York, NY 10153
Tel.: (212)-310-8000

Attorney for Defendant Shohei Ohtani

McDERMOTT WILL & EMERY LLP

333 SE 2nd Ave., Suite 4500
Miami, Florida 33131
Telephone: (212) 547-5768
Facsimile: (305) 347-6500

By: /s/ Nathan Bull
Nathan Bull (Fla. Bar No. 1029523)
nbull@mwe.com

McDERMOTT WILL & EMERY LLP

Jason D. Strabo (*pro hac vice*)
jstrabo@mwe.com
Ellie Hourizadeh (*pro hac vice*)
ehourizadeh@mwe.com
2049 Century Park East, Suite 3200
Los Angeles, CA 90067
Telephone: (310) 788-4125
Facsimile: (310) 277-4730

McDERMOTT WILL & EMERY LLP

Sarah P. Hogarth (*pro hac vice*)
shogarth@mwe.com
500 North Capitol Street NW
Washington, DC 20001
Telephone: (202) 756-8354
Facsimile: (202) 756-8087

Attorneys for Defendant Stephen Curry

**MARCUS NEIMAN RASHBAUM
& PINEIRO LLP**
100 Southeast Third Avenue, Suite 805
Fort Lauderdale, Florida 33394
Tel: (954) 462-1200

2 South Biscayne Blvd., Suite 2530
Miami, Florida 33131
Tel: (305)-400-4260

By: /s/ Jeffrey Neiman
Jeffrey Neiman
Fla Bar. No. 544469
jneiman@mnrlawfirm.com
Jeffrey Marcus
Fla. Bar No. 310890
jmarcus@mnrlawfirm.com
Michael Pineiro
Fla. Bar No. 041897
mpineiro@mnrlawfirm.com
Brandon Floch
Fla. Bar No. 125218
bfloch@mnrlawfirm.com

*Attorneys for Defendant Kevin O'Leary and
Solomid Corporation*

BERK BRETTLER LLP

9119 Sunset Boulevard
West Hollywood, CA 90069
Tel.: (310) 278-2111
Andrew B. Brettler (*pro hac vice*)
abrettler@berkbrettler.com

Attorneys for Defendant Kevin O'Leary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 2, 2024, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, by using the CM/ECF system, causing a true and correct copy to be served on all counsel of record.

By: /s/ Roberto Martínez
Roberto Martínez